IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.2469 OF 2005

Sunita Shrikant Mandhana ...Applicant

Versus

The State of Maharashtra ...Respondent

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Mr.Shashank Borade for Applicant.

Mr.V.B.Konde-Deshmukh, A.P.P. for Respondent.

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CORAM: A.M.KHANWILKAR, J.

MAY 2, 2005.

P.C.

1. Heard Counsel for the parties. Perused the record.

2. Even this Application should follow the suit as in the companion application for anticipatory bail preferred by the other Directors, being Criminal Application No.2445 of 2005 decided by separate order today. Same reasons ought to govern the present Application.

3. Counsel for the Applicant, however, submits that the Applicant is a woman Director in the Bank. She was not present at the relevant date when loan or advance facility was sanctioned in favour of the relatives of the Bank Officials in violation of the Regulations of the Reserve Bank of India guide-lines.

4. This position, however, is controverted by the learned A.P.P. by pointing out from the relevant record that she was present on the relevant dates when Resolution was passed, sanctioning loan/advance facility to persons closely related to the Officials of the Bank to the extent of Rs.100 lakhs, Rs.60 lakhs and Rs.80 lakhs respectively. Those allocations were obviously contrary to the regulations and law governing the disbursal or utilisation of the amount. Accordingly, I see no reason to depart from the opinion recorded by the lower Court in rejecting the prayer for anticipatory bail of the present Applicant.

5. In other words, for the same reasons, the present Application for anticipatory bail ought to fail and the same is hereby dismissed.

6. At this stage, Mr.Borade prays that the Applicant be given some time to surrender before the appropriate Court. That be done on or before 9th May 2005.

7. The Applicant shall give advance notice to the Investigating Officer before moving the appropriate Court for regular bail.

8. In the event, Applicant fails to surrender before the appropriate Court on or before 9th May 2005, it will be open to the Investigating Officer to proceed against the Applicant in accordance with law.

9. Till such time, the Applicant shall co-operate for the purpose of investigation as and when called upon.

10. Needless to observe that rejection of the

Anticipatory Bail ought not to influence the Application for regular bail, which may be made by the respective Applicants which in turn, will have to be decided on its own merits in accordance with law.

11. Application disposed of on the above terms.

A.M.KHANWILKAR, J.